

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., September 10, 2012

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Revenue: South Dakota Lottery Commission: (September 7, 2012) intends to amend Instant Lottery Requirements rules to update definitions to standard industry terminology, allow for flexibility regarding identification features of bar codes and more clearly define a chain retailer, eliminate a subsection that is no longer needed, have the Commission conduct hearings on suspensions or cancellations of a retailer's contract, eliminate the requirement of an instant retailer to appear before the Executive Director for the purpose of rendering a final accounting and surrendering its lottery contract and lottery equipment, no longer require seasonal retailers to display promotional materials, change the words book to pack and spots to areas, describe the unplayable portion of an instant ticket, describe the requirements to be a valid instant ticket, define the options available to the Executive Director for replacing an invalid or defective ticket, describe drawing procedures if an instant game includes a drawing feature for prizes, and allow for the acceleration of prize payment under a certain circumstance; amend a Video Lottery Requirements rule to identify the bill denominations that may be accepted by a bill acceptor on a video lottery terminal; and amend On-Line Lottery Requirements rules to describe a terminal that is operated by a person and located at a retailer and to define an on-line game, describe the duties of an on-line retailer, identify the commission paid to an on-line retailer for each on-line ticket sold by that on-line retailer, describe the process to claim prizes for the largest prize category of an on-line

game, outline the requirements for conducting the drawing of an on-line game, identify reasons for which the Executive Director may postpone or void a drawing and authorize a redrawing for an on-line game, authorize the Lottery to broadcast on-line game drawings on television, repeal the on-line Tri-West Lotto game, repeal the on-line Daily Millions Game, adopt changes to the Wild Card Game, repeal the on-line Cash 4 Life Game, repeal the on-line Rolldown Game, describe how play purchases must occur for an on-line raffle game, and describe the order in which winning numbers will be drawn in raffle games. The general authority for these rules, as cited by the commission, is SDCL §§ 42-7A-1, 42-7A-4, 42-7A-8, and 42-7A-21.

A public hearing will be held in Room 412, 4th floor, State Capitol, Pierre, South Dakota, on September 28, 2012, at 10:15 a.m. CT. Copies of the proposed rules may be obtained from and written comments sent to the Department of Revenue, Legal Division, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185. Copies of the rules are also available at the department's website at <http://www.state.sd.us/drr2/lotteryrules092812.pdf>. Written comments must be received by September 27, 2012, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-4701 at least 48 hours before the hearing.

**FILINGS IN THE SECRETARY OF
STATE'S OFFICE:****Executive Appointments:**

Margot Burton, Rapid City, was reappointed on August 28, 2012, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2015.

Matthew J. Cain, Sioux Falls, was reappointed on August 28, 2012, to the **Independent Living Council**, effective immediately and shall continue until June 30, 2015.

Bernie R. Grimme, Pierre, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Grady Kickul, effective immediately.

Vona J. Johnson, Pierre, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Mark Lanseng, effective immediately.

Tammy L. Kabris, Pierre, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Marilyn Kinsman, effective immediately.

David L. Miller, Sioux Falls, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Jim Simbeck, effective immediately and shall continue until June 30, 2014.

Sandra J. Neyhart, Pierre, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Gaye Mattke, effective immediately.

Sandra E. Rush, Winner, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Jenneil Watkins, effective immediately and shall continue until June 30, 2013.

Steven D. Stewart, Fort Pierre, was appointed on August 28, 2012, to the **Independent Living Council**, to replace Ann Fortin, effective immediately and shall continue until June 30, 2015.

Curtis Everson, Pierre, was reappointed on September 4, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Dan K. Newell, Sioux Falls, was reappointed on September 4, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Joel Rosenthal, Sioux Falls, was reappointed on September 4, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Jim Schade, Volga, was reappointed on September 4, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Steven Zellmer, Rapid City, was reappointed on September 4, 2012, to the **Council of Economic Advisors**, effective immediately and shall continue until June 30, 2015.

Judicial Appointments:

Kimberly Max, Court Services Officer with the First Judicial Circuit, was reappointed on August 29, 2012, to the **Court Appointed Special Advocates Commission**, effective immediately and shall continue until June 30, 2015.

Kathleen Trandahl, Circuit Judge with the Sixth Judicial Circuit, was reappointed on August 29, 2012, to the **Court Appointed Special Advocates Commission**, effective immediately and shall continue until June 30, 2015.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners

in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

9-12-2012	Revenue: Commission on Gaming	Amend Gaming rules to identify a fee for a gaming property owner license; allow the option for single-deck blackjack games to be paid at odds of at least six to five; and recognize a bonus bet for Pai Gow poker known as Fortune Pai Gow poker and to set forth the rules for the bonus bet; 39 SDR 27.
9-12-2012	Labor and Regulation: Division of Insurance	Amend a rule to change the name of the entity to which appeals are made; 39 SDR 31.
9-24-2012	Education: Board of Education	Amend Early Intervention Program rules to align current state rules with the new federal requirements and amend a Requirements for Education Endorsement Programs rule to require individuals teaching Curriculum for Agriculture Science Education (CASE) courses to acquire Agriculture Education certification and complete state-approved national certification for CASE; 39 SDR 31.
9-28-2012	Revenue: Lottery Commission	Amend Instant Lottery Requirements rules to update definitions to standard industry terminology, allow for flexibility regarding identification features of bar codes and more clearly define a chain retailer, eliminate a subsection that is no longer needed, have the Commission conduct hearings on suspensions or cancellations of a retailer's contract, eliminate the requirement of an instant retailer to appear before the Executive Director for the purpose of rendering a final accounting and surrendering its lottery contract and lottery equipment, no longer require seasonal retailers to display promotional materials, change the words book to pack and spots to areas, describe the unplayable portion of an instant ticket, describe the requirements to be a valid instant ticket, define the options available to the Executive Director for replacing an invalid or defective ticket, describe drawing procedures if an instant game includes a

		<p>drawing feature for prizes, and allow for the acceleration of prize payment under a certain circumstance; amend a Video Lottery Requirements rule to identify the bill denominations that may be accepted by a bill acceptor on a video lottery terminal; and amend On-Line Lottery Requirements rules to describe a terminal that is operated by a person and located at a retailer and to define an on-line game, describe the duties of an on-line retailer, identify the commission paid to an on-line retailer for each on-line ticket sold by that on-line retailer, describe the process to claim prizes for the largest prize category of an on-line game, outline the requirements for conducting the drawing of an on-line game, identify reasons for which the Executive Director may postpone or void a drawing and authorize a redrawing for an on-line game, authorize the Lottery to broadcast on-line game drawings on television, repeal the on-line Tri-West Lotto game, repeal the on-line Daily Millions Game, adopt changes to the Wild Card Game, repeal the on-line Cash 4 Life Game, repeal the on-line Rolldown Game, describe how play purchases must occur for an on-line raffle game, and describe the order in which winning numbers will be drawn in raffle games; 39 SDR 45.</p>
10-4-2012	Game, Fish and Parks	<p>Amend Mountain Lion Hunting Season rules to increase the total mountain lion harvest limit from 70 to 100 mountain lions and increase the female harvest limit from 50 to 70 female mountain lions; change the season start date from January 1 to December 26; allow any properly licensed hunter (both landowners and non-landowners) to hunt mountain lions outside of the Black Hills Fire Protection District from January 1 to December 31; close Custer State Park to mountain lion hunting except during established hunting intervals for 162 hunters who possess a valid mountain lion hunting license and a temporary access permit issued free of cost and by random drawing, and structured to include five hunting intervals (14-16 days in length) with each having 30 access permits (no dog hunting allowed) and three intervals (7 days in length) with each having</p>

		four access permits (dog hunting allowed); and allow for the use of dogs during specified intervals in Custer State Park; and amend Black Hills Bighorn Sheep Hunting Season rules to establish a process for designating and issuing one bighorn sheep hunting license for auction; 39 SDR 31.
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RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Wednesday, September 12, 2012, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Aberdeen – Northern State University, 1200 S. Jay St., Room Lib 116; Huron – DHS, 2361 Dakota Ave. S; Mitchell – Mitchell Technical Institute, 1800 E. Spruce, Room TC 155; Rapid City – SD School of Mines and Technology, 501 E. St. Joseph St., Room CB 109; Sioux Falls – Sioux Falls Pavilion, 301 S. Main Ave., Board Room; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2012 interim: November 13, and December 19.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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